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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/627,360  | 07/25/2003  | Yong N. Lee          | 87902               | 2459             |
| 24628   | 7590        | 12/20/2004           | EXAMINER            |                  |
| WELSH & KATZ, LTD<br>120 S RIVERSIDE PLAZA<br>22ND FLOOR<br>CHICAGO, IL 60606 |             |                      | JIANG, CHEN WEN     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3744                |                  |

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 10/627,360      | LEE, YONG N. |
|                              | Examiner        | Art Unit     |
|                              | Chen-Wen Jiang  | 3744         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 October 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 5,7,8,15,17 and 18 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,6,9-14,16,19 and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1,2,3,10,11,12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Osterhoff et al. (U.S. Patent Number 5,720,171) in view of Bielinski (U.S. Patent Number 5,881,560).

Osterhoff et al. disclose a device for heating and cooling a beverage. Referring to Fig. 1, the device comprises thermoelectric heating/cooling elements 20, heat transfer members 30, heat sink 40, a cooling fan 42, a heating/cooling controller 100, chambers 52, spring tab assembly 80 with flexible spring tab 88 and on/off switches SW1, SW2. However, Osterhoff et al. do not disclose cover and temperature controller. Bielinski discloses cover and temperature controller in the same field of endeavor for the purpose of regulating and maintaining temperature. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Osterhoff et al. with a cover and temperature controller in view of Bielinski so as to maintain desired temperature.
3. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osterhoff et al. (U.S. Patent Number 5,720,171) in view of Bielinski (U.S. Patent Number 5,881,560) and further in view of Preis (U.S. Patent Number 4,581,898).

Osterhoff et al. disclose a device for heating and cooling a beverage. Referring to Fig. 1, the device comprises thermoelectric heating/cooling elements 20, heat transfer members 30, heat sink 40, a cooling fan 42, a heating/cooling controller 100, chambers 52, spring tab assembly 80 with flexible spring tab 88 and on/off switches SW1, SW2. Bielinski discloses a thermoelectric cooling device as shown in Figs. 7-12 having cover and temperature controller. However, Osterhoff et al. and Bielinski do not disclose the cylinders thermally communicate. Preis discloses the cylinders thermally communicate in the same field of endeavor for the purpose of transfer heat. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Osterhoff et al. and Bielinski et al. with the cylinders thermally communicate in view of Preis so as to transfer heat between cylinders.

4. Claims 1,2,3,4,10,11,12,13,14,19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osterhoff et al. (U.S. Patent Number 5,720,171) in view of Sugawara (JP 2001304739).

Osterhoff et al. disclose a device for heating and cooling a beverage. Referring to Fig. 1, the device comprises thermoelectric heating/cooling elements 20, heat transfer members 30, heat sink 40, a cooling fan 42, a heating/cooling controller 100, chambers 52, spring tab assembly 80 with flexible spring tab 88 and on/off switches SW1, SW2. However, Osterhoff et al. do not disclose cover, insulated cylinder and temperature controller. Sugawara discloses a wine storage box to cool and reserve stored wine within a desired temperature range. Referring to Figs. 1-3, a wine bottle holding vessel 6 (thermally communicate) having a plurality of bottomed cylindrical holding parts 6a and constituted of a member of high thermal conductivity is provided in a heat insulating box body 2a having an opening-closing cover 2b. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Osterhoff et al. with a cover, insulated cylinder and temperature controller in view of Sugawara so as to maintain desired temperature.

5. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara and Osterhoff et al. and further in view of Sola (U.S. Patent Number 2,838,916) or Cretzmeyer (U.S. Patent Number 4,580,405).

Sugawara and Osterhoff et al. disclose the invention substantially as claimed. However, Sugawara and Osterhoff et al. do not disclose a rotating container means. Sola and Cretzmeyer disclose a rotating container means in the same field of endeavor for the purpose of increasing heat transfer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Sugawara and Osterhoff et al. with a rotating container means in view of Sola and Cretzmeyer to increase heat transfer.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara and Osterhoff et al. and further in view of Kieler (U.S. Patent Number 4,704,875) or Bloch et al. (U.S. Patent Number 6,494,316).

Sugawara and Osterhoff et al. disclose the invention substantially as claimed. However, Sugawara does not disclose a container positioning means. Kieler and Bloch et al. disclose a position means in the same field of endeavor or analogous art of positioning for the purpose of easy access. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Sugawara and Osterhoff et al. with a position means in view of Kieler or Bloch et al. to have easy access.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (571) 272-4809. The examiner can normally be reached on Tuesday-Friday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (571) 272-4808. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chen-Wen Jiang  
Primary Examiner

A handwritten signature in black ink, appearing to read "C. Jiang".